

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 2

DOCKET NO.: 2008-0896-MWD-E **TCEQ ID:** RN103124236 **CASE NO.:** 35978**RESPONDENT NAME:** Montgomery County Municipal Utility District No. 24

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Montgomery County MUD No. 24, located 0.5 mile northwest of the point where White Oak Creek leaves Montgomery County and approximately 2.5 miles east of United States Highway 59, Montgomery County</p> <p>TYPE OF OPERATION: Wastewater treatment plant</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on October 20, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Heather Brister, Enforcement Division, Enforcement Team 1, MC R-09, (254) 761-3048; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Charles V. Griffin, President, Montgomery County Municipal Utility District No. 24, 1415 Louisiana Street, 5th Floor, Houston, Texas 77002 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review Date(s) of Complaints Relating to this Case: None Date of Investigation Relating to this Case: April 24, 2008 Date of NOV/NOE Relating to this Case: May 19, 2008 (NOE) Background Facts: This was a record review. WATER Failure to comply with permit effluent limits for total ammonia nitrogen [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0014116001, Effluent Limitations and Monitoring Requirements No. 1].	Total Assessed: \$1,400 Total Deferred: \$280 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay SEP Conditional Offset: \$0 Total Paid to General Revenue: \$1,120 Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Applicable Penalty Policy: September 2002	Corrective Actions Taken: The Executive Director recognizes that the Respondent obtained compliance with their permitted effluent limits by April 30, 2008 by increasing the air flow to the Facility with the addition of another blower and improving road conditions to the Facility so the sludge could be hauled in a timely manner.

Additional ID No(s): WQ0014116001



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision April 29, 2008

TCEQ

DATES	Assigned	27-May-2008			
	PCW	14-Jun-2008	Screening	2-Jun-2008	EPA Due

RESPONDENT/FACILITY INFORMATION

Respondent	Montgomery County Municipal Utility District No. 24
Reg. Ent. Ref. No.	RN103124236
Facility/Site Region	12-Houston
Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	35978	No. of Violations	1
Docket No.	2008-0896-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Heather Brister
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** \$1,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 65.0% Enhancement **Subtotals 2, 3, & 7** \$650

Notes The penalty is enhanced because the Respondent self-reported eight months of effluent violations, was issued one notice of violation (NOV) for same or similar violations, and was issued an order with denial of liability language.

Culpability No 0.0% Enhancement **Subtotal 4** \$0

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** \$250

Economic Benefit 0.0% Enhancement **Subtotal 6** \$0

Total EB Amounts \$83
Approx. Cost of Compliance \$5,000
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** \$1,400

OTHER FACTORS AS JUSTICE MAY REQUIRE 0.0% **Adjustment** \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount \$1,400

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** \$1,400

DEFERRAL 20.0% Reduction **Adjustment** -\$280

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY \$1,120

Screening Date 2-Jun-2008

Docket No. 2008-0896-MWD-E

PCW

Respondent Montgomery County Municipal Utility District No. 24

Policy Revision 2 (September 2002)

Case ID No. 35978

PCW Revision April 29, 2008

Reg. Ent. Reference No. RN103124236

Media [Statute] Water Quality

Enf. Coordinator Heather Brister

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	9	45%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 65%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The penalty is enhanced because the Respondent self-reported eight months of effluent violations, was issued one notice of violation (NOV) for same or similar violations, and was issued an order with denial of liability language.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 65%

Screening Date 2-Jun-2008		Docket No. 2008-0896-MWD-E		PCW
Respondent Montgomery County Municipal Utility District No. 24		<i>Policy Revision 2 (September 2002)</i>		
Case ID No. 35978		<i>PCW Revision April 29, 2008</i>		
Reg. Ent. Reference No. RN103124236				
Media [Statute] Water Quality				
Enf. Coordinator Heather Brister				
Violation Number 1				
Rule Cite(s)		Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014116001, Effluent Limitations and Monitoring Requirements No. 1.		
Violation Description		Failed to comply with permit effluent limits as documented by a TCEQ record review of self-reported data conducted on April 24, 2008, and as shown in the attached table.		
Base Penalty				\$10,000

>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual			x
	Potential			
				Percent 10%
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
Percent 0%				
Matrix Notes	<p>A simplified model was used to evaluate the ammonia nitrogen daily average concentration to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Five-day carbonaceous biochemical oxygen demand and flow were also considered. As a result of these discharges, human health or the environment have been exposed to insignificant amounts of pollutants which do not exceed levels harmful to human health or environmental receptors.</p>			
Adjustment				\$9,000
				\$1,000

Violation Events				
Number of Violation Events 1		Number of violation days 62		
mark only one with an x	daily			
	monthly			
	quarterly	x		
	semiannual			
	annual			
	single event			
One quarterly event is recommended.				
Violation Base Penalty		\$1,000		

Good Faith Efforts to Comply		25.0% Reduction	\$250
	Before NOV	NOV to EDRP/Settlement Offer	
Extraordinary			
Ordinary	x		
N/A		(mark with x)	
Notes The Respondent came into compliance by April 30, 2008.			
Violation Subtotal			\$750

Economic Benefit (EB) for this violation		Statutory Limit Test	
Estimated EB Amount	\$83	Violation Final Penalty Total	\$1,400
This violation Final Assessed Penalty (adjusted for limits)		\$1,400	

Economic Benefit Worksheet**Respondent:** Montgomery County Municipal Utility District No. 24**Case ID No.:** 35978**Reg. Ent. Reference No.:** RN103124236**Media:** Water Quality**Violation No.:** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$5,000	31-Dec-2007	30-Apr-2008	0.33	\$83	n/a	\$83

Notes for DELAYED costs

Estimated cost to increase air flow to the Facility with the addition of another blower and to improve the condition of the roads leading to the Facility, so the sludge could be hauled off in a timely manner. Date Required is the initial month of noncompliance. Final Date is the date of compliance.

Avoided Costs**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs**Approx. Cost of Compliance**

\$5,000

TOTAL

\$83

Effluent Limit Violation Table

table rev:

Respondent Montgomery County Municipal Utility District No. 24
 ID Number(s) WQ0014116001
 Docket Number 2008-0896-MWD-E
 Enf. Coordinator Heather Brister

Corresponds to Violation Number:

1

EFFLUENT PARAMETER		
	Permit Limit	
	Total Ammonia Nitrogen Daily Average 3 Milligrams per Liter	Total Ammonia Nitrogen Single Grab 15 Milligrams per Liter
Month/Year		
Dec-07	4.28	15.20
Jan-08	5.68	18.00

Compliance History

Customer/Respondent/Owner-Operator: CN600740963 Montgomery County Municipal Utility District No. 24 Classification: AVERAGE Rating: 1.28

Regulated Entity: RN103124236 MONTGOMERY COUNTY MUD NO. 24 Classification: AVERAGE Site Rating: 1.28

ID Number(s):

DISTRICTS	REGISTRATION	5857840
WASTEWATER	EPA ID	TX0071412
WASTEWATER	PERMIT	WQ0014116001
WASTEWATER	PERMIT	WQ0014116001
WASTEWATER	PERMIT	TPDES0071412
WASTEWATER	PERMIT	TX0071412
WASTEWATER	PERMIT	TX0071412000

Location: LOCATED 0.5 MILES NORTHWEST OF THE POINT WHERE WHITE OAK CREEK LEAVES MONTGOMERY COUNTY AND APPROXIMATELY 2.5 MILES EAST OF US HIGHWAY 59 IN MONTGOMERY COUNTY, TEXAS. Rating Date: 9/1/2007 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: June 02, 2008

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: June 02, 2003 to June 02, 2008

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Heather Brister Phone: 254/761-3034

Site Compliance History Components

- | | |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period? | No |
| 3. If Yes, who is the current owner? | N/A |
| 4. If Yes, who was/were the prior owner(s)? | N/A |
| 5. When did the change(s) in ownership occur? | N/A |

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
- Effective Date: 02/05/2006 ADMINORDER 2005-1142-MWD-E
- Classification: Moderate
- Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
- Rqmt Prov: Effluent Limits PERMIT
- Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.
- B. Any criminal convictions of the state of Texas and the federal government. N/A
- C. Chronic excessive emissions events. N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
- | | | |
|----|------------|----------|
| 1 | 06/23/2003 | (385632) |
| 2 | 07/14/2003 | (133890) |
| 3 | 07/18/2003 | (385634) |
| 4 | 08/21/2003 | (385636) |
| 5 | 09/25/2003 | (385638) |
| 6 | 10/23/2003 | (385640) |
| 7 | 11/24/2003 | (385642) |
| 8 | 12/29/2003 | (385644) |
| 9 | 01/23/2004 | (385646) |
| 10 | 02/23/2004 | (385625) |
| 11 | 03/22/2004 | (385627) |
| 12 | 04/26/2004 | (385629) |

13	05/24/2004	(385631)
14	06/24/2004	(385633)
15	07/26/2004	(385635)
16	08/30/2004	(385637)
17	09/24/2004	(385639)
18	10/25/2004	(385641)
19	11/29/2004	(385643)
20	12/21/2004	(385645)
21	01/24/2005	(385647)
22	02/22/2005	(385626)
23	04/15/2005	(444420)
24	05/23/2005	(444421)
25	06/14/2005	(379268)
26	06/21/2005	(394368)
27	06/24/2005	(444422)
28	07/25/2005	(444423)
29	08/23/2005	(444424)
30	09/28/2005	(444425)
31	10/24/2005	(475024)
32	11/21/2005	(475025)
33	01/23/2006	(475026)
34	02/23/2006	(475022)
35	03/22/2006	(475023)
36	04/21/2006	(502633)
37	05/16/2006	(502634)
38	06/14/2006	(502635)
39	07/18/2006	(502636)
40	08/16/2006	(524960)
41	09/11/2006	(524961)
42	10/16/2006	(524962)
43	11/13/2006	(623118)
44	12/13/2006	(623120)
45	01/17/2007	(623122)
46	02/15/2007	(623109)
47	03/13/2007	(623110)
48	04/16/2007	(623111)
49	05/09/2007	(623112)
50	06/14/2007	(623113)
51	07/03/2007	(562400)
52	07/17/2007	(623114)
53	08/16/2007	(623115)
54	09/17/2007	(623116)
55	10/17/2007	(623117)
56	11/15/2007	(623119)
57	12/14/2007	(623121)
58	01/18/2008	(623123)
59	02/19/2008	(674510)
60	03/17/2008	(674511)
61	04/17/2008	(674512)
62	05/20/2008	(654092)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 08/31/2003 (385638)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: 11/30/2003 (385644)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: **03/31/2004** (385629)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: **07/31/2004** (385637)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: **06/13/2005** (379268)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: PERMIT 14116-001
Description: Failure to comply with the permitted chlorine residual limit.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to maintain compliance with ammonia-nitrogen (NH3-N) effluent limits.

Date: **01/31/2006** (475022)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: **01/31/2007** (623109)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: **12/31/2007** (623123)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: **01/31/2008** (674510)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

- F. Environmental audits. N/A
- G. Type of environmental management systems (EMSs). N/A
- H. Voluntary on-site compliance assessment dates. N/A
- I. Participation in a voluntary pollution reduction program. N/A
- J. Early compliance. N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
MONTGOMERY COUNTY
MUNICIPAL UTILITY DISTRICT NO.
24
RN103124236

§ BEFORE THE
§
§
§ TEXAS COMMISSION ON
§
§
§ ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2008-0896-MWD-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Montgomery County Municipal Utility District No. 24 ("the Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a wastewater treatment plant located 0.5 mile northwest of the point where White Oak Creek leaves Montgomery County and approximately 2.5 miles east of United States Highway 59 in Montgomery County, Texas (the "Facility").
2. The Respondent has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about May 24, 2008.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of One Thousand Four Hundred Dollars (\$1,400) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid One Thousand One Hundred Twenty Dollars (\$1,120) of the administrative penalty and Two Hundred Eighty Dollars (\$280) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent obtained compliance with their permitted effluent limits by April 30, 2008 by increasing the air flow to the plant with the addition of another blower and improving road conditions to the Facility so the sludge could be hauled in a timely manner.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have failed to comply with permit effluent limits, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014116001, Effluent Limitations and Monitoring Requirements No. 1, as documented by a TCEQ record review of self-reported data conducted on April 24, 2008, and as shown in the following table:

<i>EFFLUENT PARAMETER</i>		
	<i>Permit Limit</i>	
	Total Ammonia Nitrogen Daily Average 3 Milligrams per Liter	Total Ammonia Nitrogen Single Grab 15 Milligrams per Liter
<i>Month/Year</i>		
Dec-07	4.28	15.20
Jan-08	5.68	18.00

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

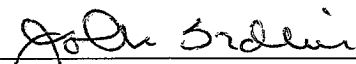
1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Montgomery County Municipal Utility District No. 24, Docket No. 2008-0896-MWD-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088
2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
4. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

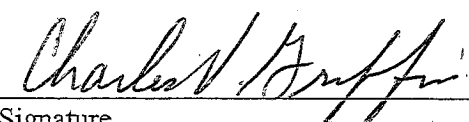
9/26/2008
Date

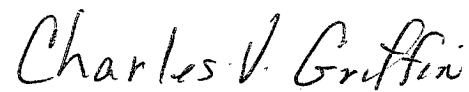
I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:


- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.


Signature


Name (Printed or typed)

Authorized Representative of
Montgomery County Municipal Utility District No. 24

08-04-2008

Date

President
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

